

The opinion in support of the decision being entered today
was **not** written for publication and
is **not** binding precedent of the Board.

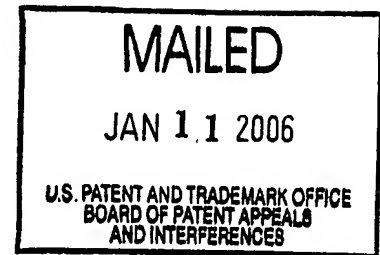
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RALF DUCKECK

Appeal No. 2005-1929
Application No. 10/018,184

ON BRIEF



Before: JERRY SMITH, GROSS and NAPPI, **Administrative Patent Judges.**
NAPPI, **Administrative Patent Judge.**

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of
claims 10 through 15. For the reasons stated *infra* we affirm the examiner's
rejection of these claims.

Invention

The invention relates to the display of information in a vehicle navigation system. See page 1 of appellant's specification. The scale of the display is adjusted so that the route between the current vehicle position and the next decision point is shown on the display at the highest resolution. See page 2 of appellant's specification.

Claim 10 is representative of the invention and is reproduced below:

10. A method for controlling the scale of a map detail shown on a display unit of a navigation device, comprising the steps of setting the scale of the map detail displayed as a function of the distance of a current vehicle position from a next decision point located between the current vehicle position and a navigation destination that relates to a driving instruction, which has been issued or is to be issued based on a calculated driving route; setting the scale of the map detail displayed in such a way that both the current vehicle position and the next decision point located between the current vehicle position and a navigation destination are shown on the display; displaying the route between the current vehicle position and the next decision point located between the current vehicle position and a navigation destination in a scale that is the largest possible for the display unit.

References

The references relied upon by the examiner are:

Takanabe et al. (Takanabe)	4,675,676	June 23, 1987
Koizumi et al. (Koizumi)	6,151,552	November 21, 2000

Rejections at Issue

Claims 10, 11 and 15 stand rejected under 35 U.S.C. § 102 as being anticipated by Koizumi. Claims 12 through 14 stand rejected under

35 U.S.C. § 103 as being unpatentable over Koizumi in view of Takanabe.

Opinion

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence of anticipation and obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, appellant's arguments set forth in the brief along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

With full consideration being given to the subject matter on appeal, the examiner's rejections and the arguments of appellant and the examiner, and for the reasons stated *infra*, we sustain the examiner's rejection of claims 10, 11 and 15 under 35 U.S.C. § 102 as being anticipated by Koizumi and the examiner's rejection of claims 12 through 14 under 35 U.S.C. § 103 as being unpatentable over Koizumi in view of Takanabe.

Appellant argues, on page 18 of the brief, that the claimed invention differs from Koizumi in that in the claimed invention "the vehicle location and the next decision point must always be seen together on the display."

The examiner responds, on pages 6 and 7 of the answer, arguing that there is no limitation in claim 10 that the vehicle location and the next decision point must always be seen together on the display. Further, the examiner asserts that Koizumi teaches this limitation in column 25, lines 55 through 57.

We concur with the examiner. Claims will be given their broadest reasonable interpretation consistent with the specification; limitations appearing

in the specification will not be read into the claims. *In re Etter* 756 F.2d 852, 858, 225 USPQ 1, 5 (Fed. Cir. 1985). In analyzing the scope of the claim, office personnel must rely on the appellant's disclosure to properly determine the meaning of the terms used in the claims. *Markman v. Westview Instruments, Inc.*, 52 F3d 967, 980, 34 USPQ2d 1321, 1330 (Fed. Cir. 1995). "[I]nterpreting what is *meant* by a word in a claim 'is not to be confused with adding an extraneous limitation appearing in the specification, which is improper.'" (emphasis original) *In re Cruciferous Sprout Litigation*, 301 F.3d 1343, 1348, 64 USPQ2d 1202, 1205, (Fed. Cir. 2002) (citing *Intervet America Inc v. Kee-Vet Laboratories Inc.* 12 USPQ2d 1474, 1476 (Fed. Cir. 1989)). Claim 10 includes the limitations of "setting the scale of the map detail displayed in such a way that both the current vehicle position and the next decision point located between the current vehicle position and a navigation destination are shown on the display" and "displaying the route between the current vehicle position and the next decision point located between the current vehicle position and a navigation destination in a scale that is the largest possible for the display unit." Thus, while appellant's specification may describe the vehicle location and the next decision point as always being displayed together, we find no such limitation in the claim.

We find that Koizumi teaches a navigation system display where the scale of the display is changed (the display is enlarged) when the vehicle is within a predetermined distance of the next guidance object intersection. See column

18, lines 12 through 17. Koizumi teaches that when the guidance intersection is a traffic circle, the display is adjusted so that the entire traffic circle is displayed. See column 22, lines 44 through 49. When the guidance intersection is a loop shaped connecting road, the display is adjusted so that the entire loop shaped connecting road is displayed. See column 25, lines 38 through 42. Koizumi teaches the “guidance object intersection” is a node in which the route to the destination turns. See column 18, lines 2 through 7. We consider the “guidance object intersection” to be the claimed “decision point located between the current vehicle position and a navigation destination that relates to a driving instruction.” Koizumi teaches that the display of the present vehicle position is also displayed in the expanded display. See column 25, lines 53-59. Thus, we find that Koizumi teaches setting the scale of the map detail displayed in such a way that both the current vehicle position and the next decision point are shown on the display and that the route between the current vehicle position and the next decision point is in a scale that is the largest possible for the display unit.

Appellant argues on page 18 of the brief:

[T]he representation scale as defined in claim 10 is always adapted so that the route between the vehicle location and the next decision point is always represented on the display in a format-filling way. This is also not disclosed in the patent to Koizumi. In particular, the description in column 25, lines 55-57 in the patent to Koizumi can not interpret it in [sic] this way. Moreover, it is clearly stated that when the intersection is represented in a format-filling manner, simultaneously also the vehicle position and the decision point are indicated.

We are not persuaded by this argument. We find no claim limitation directed to the display being “represented in a format-filling way.” As stated

supra, we find no limitation in the claim requiring the scale to always adapt so that the route between the vehicle and the next decision point is displayed. As stated *supra*, we find that Koizumi teaches setting the scale of the map detail displayed in such a way that both the current vehicle position and the next decision point are shown on the display and that the route between the current vehicle position and the next decision point is in a scale that is the largest possible for the display unit.

Appellant argues, on page 19 of the brief, that Koizumi deals with a complete next intersection situation and claim 10 focuses on the next decision point.

We do not find this argument persuasive. As stated *supra*, we find that Koizumi deals with the next intersection situation. While Koizumi teaches different displays for traffic circles and loop intersections, this does not detract from the teaching that the display is enlarged when the vehicle is within a predetermined distance from the guidance object intersection. Accordingly, we sustain the examiner's rejection of claim 10.

On page 15 of the brief, appellant groups claims 11 through 14 with claim 10. On page 21 of the brief, appellant discusses the obviousness rejection of some of the dependent claims. However, these arguments do not address any of the limitations in the claims or state why the claims are separately patentable. 37 C.F.R. 41.37 (vii) states with regard to the appeal brief:

For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. When multiple claims subject to the same ground of rejection are argued as a group by appellant, the

Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone.

Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately. Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number. A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim.

Accordingly we sustain the examiner's rejection of claim 11 under 35 U.S.C. § 102 and the examiner's rejection of claims 12 through 14 under 35 U.S.C. § 103, for the reasons stated with respect to claim 10.

On page 15 of the brief, appellant states that claim 15 is separately patentable. On page 19 of the brief, appellant states:

It is therefore believed that the method for controlling the scale of a map detail in accordance with the present invention as defined in claim 10 is completely different from the method disclosed in the patent to Koizumi and can not be derived from this reference as a matter of obviousness. The same is true for the apparatus defined in claim 15.

We consider this to be a statement, which merely points out what a claim recites. In accordance with 37 C.F.R. 41.37 (vii), such a statement is not a separate argument, and we sustain the examiner's rejection as we group claim 15 with claim 10. Further, we note that as stated *supra* with respect to claim 10, we find that Koizumi teaches the method claimed.

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In summary, we sustain the examiner's rejection of claims 10, 11 and 15 under 35 U.S.C. § 102 and the examiner's rejection of claims 12 through 14 under 35 U.S.C. § 103. The decision of the examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

Jerry Smith
JERRY SMITH

JERRY SMITH
Administrative Patent Judge

Anita Pellman Gross

ANITA PELLMAN GROSS
Administrative Patent Judge



~~ROBERT E. NAPPI~~
Administrative Patent Judge

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